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ISN/CB FOR MR. HANLINE AND CWDEL FOR SMART

E.O. 12958: DECL: 03/06/2016
TAGS: [PREL](#) [PARM](#) [MARR](#) [KTIA](#) [CWC](#) [KS](#)
SUBJECT: OSD/NP COOPER MEETING WITH ROKG ON CWC/HCA

REF: SEOUL 04980

Classified By: POL-MIL Chief Sung Y. Kim. Reasons 1.4 (b,d).

¶1. (C) During a cordial March 7 discussion, OSD Nonproliferation Policy Director Dr. David Cooper and Ministry of Foreign Affairs and Trade Disarmament and Nonproliferation Director Kwon Hee-seog exchanged views on the outstanding Chemical Weapons Convention Host Country Agreement. While recognizing that this document would be used only in the unlikely event of a challenge inspection, they agreed that it was necessary to have an appropriate framework in place. Kwon said he viewed the latest USG proposal favorably. However, he noted that the structure of the agreement should be the same for both parties and pointed out that the language of the agreement was not completely parallel. In response, Cooper affirmed that the agreement was intended to be reciprocal and that he would welcome changes to clarify this during an item-by-item review.

¶2. (C) Dr. Cooper and Kwon achieved ad referendum agreement in several of the areas as follows:

Article III, A.4, the second sentence, (KOREA MAY BE RESPONSIBLE FOR... ASSISTANCE UNTIL THEIR DEPARTURE) was deemed to be redundant by Kwon and Cooper agreed to delete it.

Article III, C.4, the last sentence, (KOREA MAY, AT ITS DISCRETION... INSPECTION OF EQUIPMENT) should be changed to "The Republic of Korea shall have the right to observe and participate in the inspection of equipment."

Article IV, A.1, the third sentence, (TAKING INTO ACCOUNT THE... MADE AVAILABLE FOR USE BY THE UNITED STATES) should be changed to the following: "Taking into account the other state party's interest, the inspected state party shall make any final perimeter judgment if the alternative or final perimeter, including the area within the 50 meter band around the final perimeter, falls outside the area that has been made available for use by the other state party."

Article IV, C, the only sentence, (KOREA MAY, AT ITS DISCRETION... THE ALTERNATE AN FINAL PERIMETER) should be deleted and replaced by adding the terminology used in Article IV, B.1., with the countries switched.

Article V, C.1, the first sentence, (KOREA MAY, AT ITS DISCRETION,... THE INSPECTION) should be deleted and replaced with the following sentence. "Whenever both parties agree that one or more of the assets of the Republic of Korea is not included, fully or partially, within the final perimeter but is within 50 meters of the final perimeter, the Republic of Korea shall have the right to observe the conduct of the inspection."

13. (C) A final issue of concern, raised by Kwon, was whether the use of the term "party" throughout the agreement implied a legally-binding agreement, which was not the intention. Kwon stated that the ROKG viewed this as a memorandum of understanding, and that making it legally binding would be a complication. Cooper asked what alternative to "party" would be substituted and Kwon replied that he did not yet have a suggestion. Cooper asked if changing the title from "agreement" to "memorandum of understanding" would resolve this issue by clarifying both sides understanding that it is a politically binding government-to-government agreement. Kwon promised to consult on this and have an answer, if possible, before Cooper departed the next day so that final ad referendum agreement could be accomplished.

VERSHBOW